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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/712,654 11/14/00 GUPTA

R ECB-0010

EXAMINER

IM62/0221

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ART UNIT

PAPER NUMBER

1764

DATE MAILED:

02/21/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Applicati n No. 09/712,654	Applicant(s) GUPTA ET AL.	
	Examiner Basia Ridley <i>BR</i>	Art Unit 1764	

-- The MAILING DATE of this communication appears n the cover she t with the corresp ndence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 9-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-11 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2000 is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Title*

- ✓ 1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: --A METHOD FOR EXTENDING OPERATING LIFE <sup>o</sup> ~~OF~~ A FIXED BED REACTOR--.

### *Abstract*

2. The abstract of the disclosure is objected to because it is not indicative of the invention to which the claims are directed. Correction is required. See MPEP § 608.01(b).

### *Specification*

- clarify! 3. The disclosure is objected to under 37 CFR 1.74 because it does not contain a brief description of the drawings. Applicant is reminded that the disclosure shall contain a brief description of all drawing figures in addition to a detailed description of all drawing figures. Appropriate correction is required. No new matter shall be added.

### *Drawings*

- approved 4. The drawings are objected to as failing to comply with 37 CFR 1.84(q) because the reference characters in the drawing are lacking lead lines between them and the details to which they refer. Applicant is reminded that reference characters which do not need lead lines because they indicate surface or cross section on which they are placed must be underlined to make it clear that a lead line has not been left out by mistake. Correction is required.

### *Claim Objections*

5. Claim(s) 9-11 is/are objected to because of the following informalities:

Art Unit: 1764

✓ claim(s) 9 recite(s) the limitation(s) "said fixed bed of catalyst material", line(s) 5, for claim language consistency suggested correction is --said fixed bed of catalytic material--.

Appropriate Correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim(s) 9-11 is/are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant(s) regard(s) as the invention.

Claim(s) 9 recite(s) the limitation(s) "the operating life", line(s) 1. There is insufficient antecedent basis for said limitation(s) in the claim(s).

Claim(s) 9 recite(s) the limitation(s) "a feedstock", twice in line(s) 2. Said claim(s) is/are indefinite as it is not clear what is the difference between various feedstocks recited in said claim(s).

Claim(s) 9 recite(s) the limitation(s) "the pressure drop", line(s) 4. There is insufficient antecedent basis for said limitation(s) in the claim(s).

Claim(s) 9 recite(s) the limitation(s) "said feedstock", line(s) 5-6 and 9. There is insufficient antecedent basis for said limitation(s) in the claim(s) as more than one feedstock is recited prior to said limitation(s) (e.g. two recitations in line(s) 2 of said claim(s)).

Claim(s) 9 recite(s) the limitation(s) "said hydrocarbon feedstock", line(s) 7. There is insufficient antecedent basis for said limitation(s) in the claim(s).

Art Unit: 1764

Claim(s) 10 recite(s) the limitation(s) "said hydrocarbon feed", line(s) 7. There is insufficient antecedent basis for said limitation(s) in the claim(s).

Claim(s) 11 recite(s) the limitation(s) "said feedstock", line(s) 1. There is insufficient antecedent basis for said limitation(s) in the claim(s) as more than one feedstock is recited prior to said limitation(s) (e.g. two recitations in line(s) 2 of claim(s) 9).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claim(s) 9-11 is/are rejected under 35 U.S.C. 102(b) as being anticipated by Beal et al. (USP 3,607,000).

Regarding claim(s) 9, Beal et al. disclose(s) a similar method for extending the operating life of a fixed bed reactor, comprising the steps of:

- introducing said hydrocarbon feedstock into said fixed bed of catalytic material (C13/L31-C16/L13);
- as said top layer of said fixed bed of catalytic material fouls, bypassing an increasing amount of said feedstock to said bottom layer of said fixed bed of catalytic material (material (C13/L31-C16/L13).

Regarding claim(s) 10-11, Beal et al. disclose(s) a similar method for extending the operating life of a fixed bed reactor, wherein:

- said hydrocarbon feed is selected from the group comprising of liquid feed, vapor feed and mixtures thereof (C1/L2-6);

Art Unit: 1764

- said feedstock is selected from the group consisting of hydrocarbon feedstocks, chemical feedstocks, and mixtures thereof (C1/L2-6).

10. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

#### *Conclusion*

11. In view of the foregoing, none of the claims are allowed.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Basia Ridley, whose telephone number is (703) 305-5418. The examiner can normally be reached on Monday through Thursday, from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marian Knode, can be reached on (703) 308-4311.

The fax phone number for Group 1700 is (703) 305-3599 (for Official papers after Final), (703) 305-5408 (for other Official papers) and (703) 305-6078 (for Unofficial papers). When filing a fax in Group 1700, please indicate in the Header (upper right) "Official" for papers that are to be entered into the file, and "Unofficial" for draft documents and other communication with the PTO that are not for entry into the file of the application. This will expedite processing of your papers.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Basia Ridley  
Examiner  
Art Unit 1764



BR  
February 17, 2001



**HIEN TRAN  
PRIMARY EXAMINER**